

REMARKS

Responsive to the Office Action mailed 22 January 2009 and with an extension of time of one month, the present paper is timely filed on or before 22 May 2009. By the present paper, claims 2, 5, 7, 8, and 9 are amended and claim 10 is cancelled. Claims 2 - 9 and 11 are under Examination. Entry of the claim amendments and reconsideration of the Application are respectfully requested.

Applicant thanks the Examiner for the courtesy of a telephonic interview on 30 April 2009 in which the Applicant was represented by his attorney. Applicant's attorney provides the required Interview Summary below.

Interview Summary:

Applicant's attorney, John B. Starr, Jr., participated in the telephonic interview with the Examiner.

Applicant's attorney and the Examiner agreed that the "useful, concrete, and tangible result test" of *State Street* was no longer applicable and that the standards established in *In re Bilski*, ___ F.3d ___ (Fed. Cir. 2008) apply to the patentable subject matter analysis. The remaining rejection under 35 U.S.C. § 101 was discussed with specific reference to claims 2 and 8. Applicant's attorney and the Examiner discussed possible claim language that would tie the claimed inventive method to a particular machine.

Latent ambiguities in the claims, and possible means for curing same, were also discussed.

The Examiner reminded Applicant's attorney of the obligation to point-out how the claim amendments are supported in the specification.

The Claim Amendments:

Claims 2, 7, 8, and 9 are amended to recite that steps A through F are performed on a computer.

Claimed subject matter need not be described *in haec verba* in the specification as long as one skilled in the art would recognize what is claimed. *University of Rochester v. G.D. Searle & Co.*, 29 USPQ2d 1886, 1892 (Fed. Cir. 2004) (internal quotes and citations omitted). Description of (i.e. support for) claim amendments can be inherent, *see, e.g., ThermaTrue Corp. v. Peachtree Doors*, 33 USPQ2d, 1274 (Fed. Cir. 1995), as long as the skilled artisan would recognize such disclosure, *see, e.g., Tronzo v. Biomet, Inc.*, 47 USPQ2d 1829, 1834 (Fed. Cir. 1998). Patent applicants have some flexibility in meeting the written description requirement. *Rochester* at 1896.

Implicit support for the proffered claim amendments can be found in the specification at, for example, 6:21, where it is recited that the method is implemented as a program. The skilled artisan would understand that "program" refers to a "computer program" that is, of course, run on a computer. At 8:3 the specification discloses "inputting" an amino acid sequence and, at 9:3, recites "storing information in a data file". Applicant respectfully submits that the skilled artisan would understand that Applicant performed these steps on a computer.

Furthermore, with reference to the figures that embody in a tangible way the results of the method in certain of its embodiments, Applicant respectfully submits that these skilled artisan would recognize that several of these were obtained with a molecular modeling program run on a computer.

Claims 2, 7, 8, and 9 are further amended to correct an obvious scrivener's error that resulted in a latent ambiguity in the meaning of "the information" recited in the last step of these claims. Applicants respectfully submit that the skilled artisan would understand that "the information" recited in the last step of the method claims is the information that results from the performance of the penultimate step. Accordingly, Applicants respectfully submit that support for the claim amendments can be found in the claims themselves.

Support for these further amendments is inherent in, for example, in the tables, which present results of the inventive method in certain of its embodiments. The "information" displayed in the tables is, Applicant respectfully submits, the result of the practice of the method, and not regurgitation of information that was inputted in an early step of the method.

Claim 5 is amended to render it even mor clear. Applicant respectfully submits that support for the amendment can be found in th claim itself.

The Claim Rejections:

Claims 2 - 11 were rejected as allegedly drawn to no statutory subject matter. The present amendments tie the method to a particular machine or apparatus. Accordingly, Applicant respectfully submits that the rejection is improper and should be withdrawn.

Conclusion:

Based on the forgoing amendments and remarks, Applicants respectfully submit that the claims are now in condition for allowance, which allowance is earnestly solicited. If, in the opinion of the Examiner, a further telephone conference would advance prosecution of the application, the Examiner is invited to telephone the undersigned attorneys.

Applicant respectfully requests a one month extension of time for responding to the Office Action. The fee of \$130.00 for the extension is provided for in the charge authorization presented in the PTO Form 2038, Credit Card Payment form, provided herewith.

If there is any discrepancy between the fee(s) due and the fee payment authorized in the Credit Card Payment Form PTO-2038 or the Form PTO-2038 is missing or fee payment via the Form PTO-2038 cannot be processed, the USPTO is hereby authorized to charge any fee(s) or fee(s) deficiency or credit any excess payment to Deposit Account No. 10-1250.

Respectfully submitted,

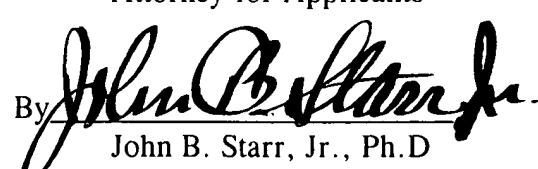
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